

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ANTHONY M. AUGUSTA,

Plaintiff,

ORDER

CV 07-361 (JG) (ARL)

-against-

COMMUNITY DEVELOPMENT CORP., INC.,

Defendant.

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LINDSAY, United States Magistrate Judge:

Before the court is the *pro se* plaintiff's motion to compel the production of telephone records from the defendant, Community Development Corporation of Long Island, "for the latter part of 2004 and all of 2005." According to the plaintiff, the telephone records are relevant because the defendant has taken the position that the plaintiff's failure to communicate with the defendant resulted in the termination of his participation in the Section 8 voucher program. Thus, the plaintiff believes that the phone records would establish that he did communicate with the defendant. The defendant opposes the application by letter dated February 28, 2008.

Although it appears that the plaintiff has not attempted to resolve this discovery dispute in good faith prior to seeking judicial intervention, the court will nonetheless rule on this matter at this time. Plaintiff is advised that he is under an obligation to confer in good faith with the defendant in an effort to resolve a discovery dispute before raising it with the court. Future discovery applications will not be considered unless this step has been taken.

Turning to the merits, the court finds that the telephone records sought by plaintiff bear no relevance to the issue raised. Plaintiff seeks these records to show telephone calls he made to the defendant. The defendant reports that their telephone records, consistent with the records of most land line phones, do not provide information concerning incoming calls or the originating telephone number. The records do not provide any of the information sought by plaintiff and in the absence of any other basis for this production need not be disclosed. Accordingly, the application is denied.

Dated: Central Islip, New York

March 10, 2008

**SO ORDERED:**

/s/

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ARLENE LINDSAY  
United States Magistrate Judge